

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 6:06-cr-10129-JTM-1

JAMES E. BAKER,

Defendant.

**MEMORANDUM AND ORDER**

This matter is before the court on defendant's "Motion to Remove Magistrate Hold." Dkt. 229. The motion essentially challenges the imposition of a three-year term of supervised release. The court imposed such a term when it originally sentenced defendant in December of 2006, Dkt. 78, and the court left that term intact in September 2016 when it granted defendant's § 2255 motion and reduced his custodial sentence to time-served. Dkt. 213. The custodial sentence was reduced based on *Johnson v. United States*, 135 S.Ct. 2551 (2015).

As the Government points out, defendant has already appealed this court's denial of his prior attempt to challenge the term of supervised release. See Dkts. 214, 218, 221, 223, 224. As such, this court lacks jurisdiction to consider defendant's current motion. See *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58-59 (1982) (*per curiam*) ("The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.").

**IT IS THEREFORE ORDERED** this 22<sup>nd</sup> day of June, 2017, that defendant's Motion to Remove Magistrate Hold (Dkt. 229) is DISMISSED for lack of jurisdiction.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE